

DANIEL O. HULSE, JR.

JANUARY 31, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 8311]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8311) for the relief of Daniel O. Hulse, Jr., having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This proposed legislation was transmitted to the Speaker of the House by the Department of the Army and referred to this committee for consideration, and after careful consideration your committee recommends favorable consideration be given the bill. Communication from the Secretary of the Army is as follows:

DEPARTMENT OF THE ARMY,
Washington 25, D. C., August 16, 1955.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is inclosed herewith a draft of a bill for the relief of Daniel O. Hulse, Jr. The submission of this proposed legislation is in accordance with procedures approved by the Secretary of Defense.

The purpose of this proposed bill is to reimburse this former enlisted man for the complete destruction of his household goods and personal property. The loss occurred while Sergeant Hulse was on active duty with the Army of the United States and while such goods were bailed to the United States incident to transportation in connection with his release from the military service.

On June 18, 1954, prior to his release from the service on June 19, 1954, Sergeant Hulse's household goods and personal property were packed and picked up by Army authorities for shipment by truck from Fort Bliss, Tex., where he was stationed, to his home in Dallas, Tex. After arrival of the goods in Dallas, and before delivery to Sergeant Hulse, the warehouse and loading dock of the Sunset Motor Lines, which company had contracted to handle the shipment for the Government burned to the ground on July 15, 1954. As a result of the fire the household goods and personal effects of Sergeant Hulse were completely destroyed.

Sergeant Hulse subsequently filed a claim with the Department of the Army in the amount of \$3,597.44 for the loss sustained by him for consideration under the provisions of the Military Personnel Claims Act of 1945, as amended (31

U. S. C. 222c). The claim was processed within the Department of the Army under regulations prescribed by the Secretary of the Army in accordance with the Military Personnel Claims Act of 1945, *supra*. After giving effect to depreciation of the items involved in the claim, it was determined in this Department that the claim was meritorious in the amount of \$2,756.20. However, Public Law 439, 82d Congress, dated July 3, 1952 (66 Stat. 321), placed a maximum limitation of \$2,500 on the amount which could be administratively paid under the provisions of the Military Personnel Claims Act of 1945, *supra*, which was the only statute under which the claim could be considered. Accordingly, Sergeant Hulse's claim has been administratively allowed in the maximum amount of \$2,500. He has not been compensated for the remaining portion of his loss which has been determined by this Department to be \$256.20. There is no way in which Sergeant Hulse can be compensated for this remaining portion of his loss other than through the enactment of special legislation for his relief. The loss occurred incident to his service, while his household goods and personal property were bailed to the United States and without any fault or neglect on his part.

The Congress, from time to time, has favorably considered claims of members of the Armed Forces for loss of personal property in excess of the \$2,500 limitation placed upon administrative payments under the Military Personnel Claims Act of 1945, *supra*. Recent cases are Private Law 494, for the relief of Paul G. Kendall (H. R. 5025); Private Law 497, for the relief of Walter Carl Sander (H. R. 685); and Private Law 933, for the relief of S. Sgt. Frank C. Maxwell (H. R. 7835), all enacted by the 83d Congress. An additional case, S. 3515, for the relief of John B. Gibbons, Jr., was under consideration by the Committee on the Judiciary, United States Senate, at the close of the 2d session of the 83d Congress but was not acted upon.

The total cost of this bill, if enacted, will be \$256.20.

The Bureau of the Budget advises that there is no objection to the submission of the proposed legislation for the consideration of the Congress.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

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